

**REMARKS****Remarks / Arguments**

Reconsideration of this application as amended, and withdrawal of the rejections set forth in the Office Action dated March 18, 2009, are respectfully requested. Claims 19-37 and 48-84 remain pending.

Claims 19, 22-31, 34-37, 48-51, 54-55, 57-60, 62-69, 71, 73-74, 77 and 80 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Outten (Patent No.: 7,024,466, hereinafter "Outten") in view of Smith (Pub. No. US 2004/0133914, hereinafter "Smith").

Claim 21 is rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Outten in view of Smith, and in view of Wagner (Patent No.: 6,871,323, hereinafter "Wagner").

Claim 32 is rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Outten in view of Smith, and in view of Hendricks (Patent No.: US 6,557,173, hereinafter "Hendricks").

Claims 33, 75-76, 78-79 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Outten in view of Smith, and in view of Asamoto (Patent No.: 7,017,179, hereinafter "Asamoto").

Claims 52 and 70 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Outten in view of Smith, and in view of Bogot (Patent No.: 7,337,464, hereinafter "Bogot").

Claims 53, 72, 82-84 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Outten in view of Smith.

Claims 56-57 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Outten in view of Smith, and in view of Karaguz (Patent No.: 7,257,549, hereinafter "Karaguz").

Claims 61 and 81 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Outten in view of Smith, and in view of Watson (Pub. No.: US 2004/0133923, hereinafter "Watson").

Applicants do not admit that the above references are prior art and reserve the right to challenge these references at a later date.

### Cited References

Outten discloses a network system and processes for delivery of electronic content to recipient. The system includes a main server, a plurality of parent servers, and a plurality of edge servers. A copy of each content item available through the service is distributed from the main server to each parent servers for storage. Parent servers distribute content to edges servers. The main server receives and processes requests from recipient, and directs recipient to edge servers for obtaining requested content items. (Outten, Abstract).

Notably, Outten does not disclose displaying an online catalog of available movies for playback at the first set-top box, wherein the online catalog includes movie selections from a plurality of movie providers, wherein the plurality of movie providers have associated servers; preloading encrypted copies of a plurality of the movie selections at the first set-top box, at least some of the encrypted copies being received from other set-top boxes, and the set-top box is capable of sending the encrypted copies to the other set-top boxes; and receiving the media pass for a particular one of the selected movies that have been preloaded at the set-top box. In Outten, there is no distinction between movie providers, which makes it unnecessary to provide a media pass. Specifically, if there is centralized movie provisioning, then a license to use the media is adequate without the use of a media pass. In fact, Outten does exactly that; Outten provides a license to use media that is subsequently downloaded rather than a media pass to use preloaded content.

Contrary to the Examiner's assertion at page 3 of the Office Action, Outten does not disclose a media pass. Rather, as described at col. 6, line 38 to col. 7, line 15, Outten describes a user purchasing a license to view media content. Specifically, Outten does not preload movie selections onto a set-top box prior to obtaining a movie pass. (Preloading is described, e.g., at FIG. 5 of the application as filed and in the associated text in the specification.) Since the media of Outten is purchased first, then downloaded, there is a fundamental difference between the license of Outten and the media pass as claimed.

Also, Outten does not disclose receiving a media pass for a particular one of the selected movies that have been preloaded at the set-top box. This is of particular relevance because the

media pass enables a set-top box to immediately begin using content, because the content is preloaded.

Smith discloses a "digital media station operable to access a collection of digital media content, and a digital media player communicably coupled to the digital media station and operable to receive user commands and further access and decode digital media content specified by the user for playing on one or more components of an entertainment system coupled thereto." (Smith, Abstract). Notably, Smith does not disclose displaying an online catalog of available movies for playback at the first set-top box, wherein the online catalog includes movie selections from a plurality of movie providers, wherein the plurality of movie providers have associated servers; preloading encrypted copies of a plurality of the movie selections at the first set-top box, at least some of the encrypted copies being received from other set-top boxes, and the set-top box is capable of sending the encrypted copies to the other set-top boxes; and receiving the media pass for a particular one of the selected movies that have been preloaded at the set-top box.

### **The Cited References Distinguished**

To render a claim obvious, the Examiner must account for each element of the claim. Independent claim 19 includes the language:

- providing a first set-top box for viewing movies, wherein the first set-top box is interconnected to other set-top boxes;

- displaying an online catalog of available movies for playback at the first set-top box, wherein the online catalog includes movie selections from a plurality of movie providers, wherein the plurality of movie providers have associated servers;

- preloading encrypted copies of a plurality of the movie selections at the first set-top box, at least some of the encrypted copies being received from other set-top boxes, and the set-top box is capable of sending the encrypted copies to the other set-top boxes;

- selecting a movie for playback at the first set-top box;

- purchasing access to a media pass from one of the movie providers for the selected movie;

receiving the media pass for a particular one of the selected movies that have been preloaded at the set-top box;

receiving a decryption key from the media pass server in exchange for the media pass; decrypting the selected movie to enable playback.

As discussed above, Outten nor Smith, whether considered alone or in combination, fail to disclose "displaying an online catalog of available movies for playback, wherein the online catalog includes a movie selection from a plurality of movie providers, wherein each movie provider includes a server; preloading encrypted copies of a plurality of the movie selections at the first set-top box, at least some of the encrypted copies being received from other set-top boxes, and the set-top box is capable of sending the encrypted copies to the other set-top boxes; and receiving the media pass for a particular one of the selected movies that have been preloaded at the set-top box," as claimed. For one or more of these reasons, the references fail to account for each and every element of claim 19.

Also, as the Examiner acknowledges at page 3 of the Office Action, Outten fails to disclose "obtaining keys from a key server" and uses Smith to make up for the deficiency. However, Smith fails to disclose a media pass (for a selected movie) *and* a decryption key (which enables decryption of the movie).

The applicants respectfully assert that, since the Examiner did not rely upon Wagner, Hendricks, Asamoto, Bogot, Karaoguz, or Watson to reject claim 19, they need not be discussed in detail. The applicants respectfully assert that silence regarding a particular rejection of a dependent claim should not be taken as acquiescence to the rejection, and the applicants reserve the right to introduce arguments or amendments at a later date if the rejections become relevant.

For any of the reasons described above, Applicants respectfully request the withdrawal of the rejection of claim 19 and its dependent claims 20-37 under 35 U.S.C. §103(a).

Independent claim 48 includes the language:

connecting the client device to a broadband connection to provide the client device with access to the Internet;

accessing a catalog of available videos on a Web server at the client device through the broadband connection, wherein the catalog includes a movie selection from a plurality of movie providers, wherein each movie provider includes a server;

preloading an encrypted copy of a selected video at the client device, at least some of the selected video being received from other client devices, the client device being capable of sending the encrypted copy of the selected video to the other client devices;

purchasing the selected video;

receiving, in response to the purchasing the selected video, a media pass at the client device;

submitting the media pass;

receiving, in response to the submitting the media pass, a decryption key from a key server;

in response to a user requesting playback of the selected video at the client device, decrypting the selected video with the decryption key, and playing-back the decrypted video at the client device.

For reasons similar to those provided with reference to claim 19, Outten in view of Smith does not account for each and every element of claim 48. For any of the reasons described above, Applicants respectfully request the withdrawal of the rejection of claim 48 and its dependent claims 49-64 under 35 U.S.C. §103(a).

Independent claim 65 includes the language:

a connection module for providing a set-top box with Internet access;

a set-top box having a user interface for requesting media files from an online catalog, wherein the online catalog includes a movie selection from a plurality of movie providers, wherein each movie provider includes a server, storage capacity for preloading media files at least some of which are received from other set-top boxes in response to requests for media files, and capability for obtaining a media pass, obtaining a decryption key from a key server based on the media pass, decrypting media files with the decryption key, rendering media files for

playback, wherein the set-top box is capable of sending the media files to the other set-top boxes;  
and

a television device connected to the set-top box for playing media files.

For reasons similar to those provided with reference to claim 19, Outten in view of Smith does not account for each and every element of claim 65. For any of the reasons described above, Applicants respectfully request the withdrawal of the rejection of claim 65 and its dependent claims 66-84 under 35 U.S.C. §103(a).

### Conclusion

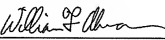
A specific discussion of the dependent claims is considered to be unnecessary; applicant's silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

A Notice of Allowance is therefore respectfully requested. Should the Examiner find that a telephone or in-person conference would expedite the prosecution of this Application further, he is invited to contact the Applicants' counsel at the contact listed below for such a conference.

Please charge any deficiency in fees or credit any overpayment to our Deposit Account No. 50-2207, from which the undersigned is authorized to draw.

Dated: July 20, 2009

Respectfully submitted,

By 

William F. Ahmann

Registration No.: 52,548

PERKINS COIE LLP  
101 Jefferson Drive  
Menlo Park, California 94025-1114  
(650) 838-4300  
(650) 838-4350 (Fax)  
Attorney for Applicants